

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC,

Plaintiff,

v.

EVAN P. JOWERS,

Defendant

Case No. 1:18-cv-00444-RP

EVAN P. JOWERS,

Counterclaimant,

v.

**MWK RECRUITING, INC.,
ROBERT E. KINNEY,
MICHELLE W. KINNEY,
RECRUITING PARTNERS GP, INC.,
KINNEY RECRUITING LLC,
COUNSEL UNLIMITED LLC, and
KINNEY RECRUITING LIMITED,**

Counterdefendants.

DECLARATION OF RAYMOND W. MORT, III

1. I am a member in good standing of the State Bar of Texas, and a founding partner at The Mort Law Firm, PLLC. I have been licensed to practice law in Texas for over 27 years and licensed in the United States District Courts for the Western District of Texas for over 25 years.

2. I have personal knowledge of the facts set forth herein, and if called to testify could and would competently testify thereto.

3. I have practiced civil litigation in Austin, Texas for over 20 years. Based on my

experience, I am familiar with the customary rates charged in the in the Western District of Texas and Austin, Texas for attorneys in civil litigation, including complex commercial litigation cases.

4. My opinions expressed in this declaration are based on my personal knowledge. I base my opinions on my education, training, and experience as an attorney practicing law in the State of Texas and the Western District of Texas, on the pleadings, motions, orders, and other documents relevant to this case, and my time and effort representing MWK Recruiting, Inc. on the enforcement of its contractual rights against Evan P. Jowers.

5. In forming my opinions, I have considered the type of litigation involved, as well as the parties and counsel involved, and I have evaluated the following factors, among others: the time and labor required; the novelty and difficulty of the questions involved; the skill requisite to perform the legal services properly; the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the attorneys involved; the fee customarily charged in the locality for similar legal services; the amount involved and the results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the attorneys involved; and whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

6. In reaching my opinion on the reasonableness and necessity of the fees sought, I have reviewed the time and billing records I have personally prepared in this matter as well as emails, phone records, notes, and docket activity in this matter. These records show that the tasks performed and time expended by the me were reasonable and necessary.

7. In my opinion, also relevant to the reasonableness of fees in this matter is the discovery misconduct and abuse engaged in by counsel for Defendant, which significantly

increased the time I had to spend on the matter while he represented the Defendant. For example, I was bombarded with emails and meet & confer letters from June 2020 through December 2020. In this timeframe, Defendant filed multiple motions to compel and motions for sanctions, which were denied by Judge Austin. Additionally, Defendant failed or refused to provide discovery responses relating to placements Defendant had either made or assisted with. This failure required counsel to issued third-party discovery to clients of MWK to acquire invoices and proof of breaches of the employment agreement.

8. As itemized in the attached listing of time and task entry records, my amount of time spent prosecuting MWK's breach of contract claims, upon which the Court found in favor of MWK, were 1,080.75 hours. My hourly rate for this work was \$750 an hour. Based on my experience, the billable rate I charged for this matter is a reasonable rate for the Austin market and the Western District of Texas.

9. Based on all of the foregoing, it is my opinion that given the nature of the claims asserted, the results achieved, and the time frame in which services were provided, a reasonable number of hours were expended in connection with these activities. Accordingly, it is my opinion that \$810,562.50 in attorney's fees sought by MWK for my services are reasonable and necessary, were incurred as a direct result of Defendant's breach of contract claims for which MWK prevailed and the activities described above and were required to effectively litigate this case.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and accurate and that I have executed this declaration on October 3, 2022.


Raymond W. Mort, III

Date	Description of Activity	Time (hours)
5/29/2018	Review and analyze notice of removal and state court pleadings; confer with opposing counsel regarding requested extension to answer.	3.75
5/30/2018	Review and analyze Jowers employment agreement; review docket entries.	3.00
5/31/2018	Prepare and file request for issuance of summons; review issues concerning foreign service.	2.25
6/1/2018	Prepare and file PHV motion for Kinney; prepare service package for defendants.	1.50
6/4/2018	Review pleadings filed by Jowers; confer with opposing counsel regarding request for increase in pages for motion.	1.00
6/8/2018	Review and analyze motion to dismiss filed by Jowers.	2.50
6/12/2018	Confer with client regarding response to motion to dismiss; research case law regarding jurisdiction issues and Florida choice of law.	2.75
6/22/2018	Confer with opposing counsel regarding service and extension of time to respond to motion to dismiss; prepare and file motion for extension.	1.00
6/25/2018	Draft revised complaint.	3.50
6/26/2018	Further develop and revise complaint.	3.00
6/27/2018	Further develop and revise complaint.	3.50
6/28/2018	Further develop and revise complaint.	2.50
6/29/2018	Finalize revised complaint and file; prepare and file response to motion to dismiss.	3.50
7/5/2018	Review and respond to correspondence from opposing counsel.	0.75
7/9/2018	Review and respond to correspondence from opposing counsel.	0.50
7/11/2018	Review Court Orders regarding motion to dismiss.	0.50
7/25/2018	Review and respond to correspondence from opposing counsel.	0.50
7/27/2018	Review and analyze motion to strike and motion to dismiss filed by Jowers.	3.25
7/30/2018	Prepare responses to motion to strike and motion to dismiss.	4.00
8/4/2018	Prepare and file corporate disclosure statement; revise and draft responses to motions to strike and dismiss.	1.50
8/6/2018	Revise response to motion to strike and motion to dismiss.	2.25
8/7/2018	Revise response to motion to strike and motion to dismiss.	1.75
8/8/2018	Revise response to motion to strike and motion to dismiss.	1.50
8/9/2018	Confer with opposing counsel regarding extensions of time to file responses and request for additional pages; prepare and file motions for extension of time and excess pages; revise and draft responses to motions to dismiss and strike.	3.75
8/10/2018	Review and revise response to motion to dismiss.	4.25
8/16/2018	Review and analyze reply to motion to strike filed by Jowers.	1.25
8/17/2018	Draft response to motion to dismiss by Jowers	1.50
8/21/2018	Draft response to motion to dismiss by Jowers	1.75
8/22/2018	Draft response to motion to dismiss by Jowers	1.50
8/23/2018	Draft response to motion to dismiss by Jowers	1.25
8/24/2018	Finalize and file response to motion to dismiss by Jowers	2.50
8/28/2018	Review and respond to correspondence from opposing counsel.	0.25

9/27/2018 Meet & confer with opposing counsel regarding proposed schedule.	0.25
9/28/2018 Prepare and file proposed scheduling order.	1.00
10/1/2018 Review Court's Order regarding proposed schedule; meet & confer with opposing counsel regarding Court's Order.	0.50
10/26/2018 Finalize and file joint proposed schedule.	1.00
11/6/2018 Review Court's Order regarding initial pre-trial conference.	0.25
11/15/2018 Prepare for and attend pre-trial conference.	0.50
12/11/2018 Prepare and file notice regarding consent to magistrate.	0.50
2/21/2019 Review Court's Order requiring MWK to produce discovery regarding standing.	0.50
2/23/2019 Finalize and file motion for protective order.	1.00
2/25/2019 Finalize and file notice of merger and change of name of MWK; prepare and file Rule 7 disclosure statement.	1.25
3/6/2019 Finalize and file supplemental memorandum regarding standing for MWK.	1.00
3/19/2019 Draft second amended complaint.	2.50
3/20/2019 Draft second amended complaint.	2.00
3/21/2019 Draft second amended complaint.	2.50
3/22/2019 Finalize and file Joint ADR report; prepare and file motion to amend complaint.	1.50
3/25/2019 Finalize and file second amended complaint; prepare and file agreed motion to set briefing schedule.	2.75
4/17/2019 Review Defendant's motion to dismiss second amended complaint.	1.50
4/18/2019 Draft response to motion to dismiss	1.75
4/19/2019 Draft response to motion to dismiss	2.00
4/25/2019 Draft response to motion to dismiss	1.50
4/26/2019 Draft response to motion to dismiss	1.50
4/29/2019 Draft response to motion to dismiss	1.75
4/30/2019 Draft response to motion to dismiss	1.50
5/6/2019 Draft response to motion to dismiss	1.75
5/7/2019 Draft response to motion to dismiss	2.00
5/8/2019 Finalize and file response to Jowers's motion to dismiss.	1.50
5/22/2019 Review and analyze Defendant's reply to motion to dismiss.	1.00
7/29/2019 Review and analyze Court's Order on Defendant's motion to dismiss.	1.00
8/8/2019 Review and respond to correspondence from opposing counsel regarding extension to answer second amended complaint.	0.25
8/19/2019 Review and analyze Defendant's answer, counterclaim, and third party claims.	2.50
8/20/2019 Review and respond to correspondence from opposing counsel regarding waiver of service and extension to answer counterclaims.	0.75
8/30/2019 Review Court's Order setting pre-trial conference.	0.25
9/10/2019 Prepare for and attend pre-trial conference.	0.50
9/16/2019 Draft answer to counterclaims and third party claims	2.50
9/17/2019 Draft answer to counterclaims and third party claims	1.50
9/18/2019 Draft answer to counterclaims and third party claims	1.50
9/23/2019 Draft answer to counterclaims and third party claims	1.75

9/24/2019 Draft answer to counterclaims and third party claims	2.25
9/27/2019 Draft answer to counterclaims and third party claims	3.00
9/30/2019 Finalize and file answer to Defendant's counterclaims and third party claims.	3.50
10/7/2019 Review and analyze motion to disqualify R.Kinney	1.00
10/15/2019 Finalize and file resposne to motion to disqualify.	2.50
10/21/2019 Review and analyze Jowers's motion to dismiss counterclaims.	1.50
10/30/2019 Draft amended answer	2.00
10/31/2019 Draft amended answer	1.75
11/1/2019 Draft amended answer	2.50
11/4/2019 Finalize and file amended answer; Finalize and file response to motion to dismiss.	1.75
11/15/2019 Prepare and serve offer of settlement.	0.50
11/19/2019 Review and analyze motion to stay filed by Jowers.	1.50
11/20/2019 Draft response to motion to stay.	2.00
11/21/2019 Draft response to motion to stay.	1.75
11/22/2019 Draft response to motion to stay.	2.00
11/25/2019 Finalize and file response to motion to stay; review and revise amended discovery requests to Jowers.	5.00
12/2/2019 Review and analyze Jowers's reply to motion to stay.	0.50
12/5/2019 Respond to Jowers's offer of settlement.	0.25
12/6/2019 Review and analyze Jowers's motion to expedite.	0.50
12/11/2019 Review Court's Order on motion to stay.	0.50
12/18/2019 Reviw K&E's response to subpoena for documents.	1.00
12/19/2019 Review Jowers's status report.	0.25
12/20/2019 Review discovery request propounded by Jowers	1.50
1/10/2020 Draft motion to strike jury demand.	2.75
1/13/2020 Finalize and file motion to strike jury demand	3.50
1/16/2020 Meet & confer with opposing counsel regarding Defendant's request to amend pleadings and extension of time to respond to motion.	0.50
1/21/2020 Review and analyze Jowers's second amended answer and counterclaims.	2.50
1/22/2020 Develop trial plan; identify every claim and defense asserted and research law regarding every element.	2.50
1/23/2020 Develop trial plan; identify every claim and defense asserted and research law regarding every element.	2.50
1/24/2020 Develop trial plan; identify every claim and defense asserted and research law regarding every element.	2.50
1/27/2020 Develop trial plan; identify every claim and defense asserted and research law regarding every element.	2.50
1/28/2020 Review and analyze Jower's response to motion to strike jury demand.	2.75
1/29/2020 Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50
1/30/2020 Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50

1/31/2020	Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50
2/3/2020	Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50
2/4/2020	Finalize and file reply to motion to strike jury demand.	2.75
2/5/2020	Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50
2/6/2020	Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50
2/7/2020	Continue to develop trial plan; identify key elements missing from Defendant's claims.	2.50
2/10/2020	Develop discovery plan based on legal requirements for each claim and defense.	2.50
2/11/2020	Develop discovery plan based on legal requirements for each claim and defense.	2.50
2/12/2020	Develop discovery plan based on legal requirements for each claim and defense.	2.50
2/13/2020	Develop discovery plan based on legal requirements for each claim and defense.	2.50
2/14/2020	Develop discovery plan based on legal requirements for each claim and defense.	2.50
2/17/2020	Develop initial discovery requests per discovery plan.	1.75
2/18/2020	Develop initial discovery requests per discovery plan.	2.00
2/19/2020	Develop initial discovery requests per discovery plan.	2.00
2/20/2020	Develop initial discovery requests per discovery plan.	2.50
2/21/2020	Develop initial discovery requests per discovery plan.	1.75
3/5/2020	Review and respond to correspondence regarding subpoena to K&E.	0.75
3/19/2020	Draft motion to compel discovery from Jowers and K&E.	2.25
3/24/2020	Review and revise motion to compel discovery from Jowers and K&E.	3.00
3/25/2020	Finalize and file motion to compel discovery responses.	2.75
4/1/2020	Draft motion to dismiss on the pleadings.	4.25
4/2/2020	Draft motion to dismiss on the pleadings.	5.75
4/3/2020	Review and respond to correspondence from opposing counsel regarding request for extension of time to respond to motion to compel; draft motion to dismiss on the pleadings.	6.50
4/6/2020	Review and analyze responses to motion to compel; finalize and file motion to dismiss on the pleadings.	4.75
4/7/2020	Review correspondence from K&E regarding motion to compel.	0.75
4/8/2020	Review and analyze motion to quash by K&E; review and analyze response to motion to compel filed by Jowers.	5.25
4/9/2020	Review amended scheduling order.	0.25
4/10/2020	Draft response to motion to quash.	1.25
4/13/2020	Draft response to motion to quash.	1.50
4/14/2020	Draft response to motion to quash.	1.25
4/15/2020	Finalize and file response to motion to quash.	2.75

4/20/2020	Review and analyze Jowers's response to motion for judgment on the pleadings.	2.25
4/22/2020	Review and analyze reply to motion to quash filed by K&E.	1.25
4/24/2020	Review and respond to opposing counsel regarding meet & confer scheduling.	0.50
4/25/2020	Review and analyze supplement to motion filed by Jowers; reply to opposing counsel regarding false statement in certificate of conference.	2.50
4/27/2020	Finalize and file reply to motion to dismiss; review Orders from the Court.	3.25
4/28/2020	Review Order on motion for protective order.	0.50
4/29/2020	Collect communications regarding false statements Defendant's certificate of conference; file notice of communications with the Court.	2.25
4/30/2020	Prepare for discovery hearing.	2.50
5/1/2020	Prepare for and attend hearing on motion to compel.	2.50
5/5/2020	Review and respond to correspondence from opposing counsel regarding recent Order and discovery issues.	0.50
5/6/2020	Review and respond to third party correspondence regarding issued subpoenas.	0.50
5/8/2020	Review and respond to correspondence from opposing counsel regarding discovery disputes.	0.75
5/18/2020	Review and respond to correspondence from opposing counsel regarding discovery disputes.	0.50
5/20/2020	Review and respond to correspondence from opposing counsel regarding discovery disputes.	0.50
5/22/2020	Review and respond to correspondence from opposing counsel regarding issued subpoenas and discovery issues.	1.25
5/27/2020	Review and respond to correspondence from R.Tauler.	0.75
5/31/2020	Review and revise second set of interrogatories to Jowers.	1.50
6/1/2020	Review Court's Order on motion to dismiss; review and respond to correspondence from DLA.	0.50
6/4/2020	Review 14 subpoena's issued by Defendant for oral depositions.	1.00
6/5/2020	Review draft objections to Defendant's subpoenas.	0.50
6/10/2020	Review and revise additional discovery requests.	2.00
6/11/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes.	1.50
6/12/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes.	1.25
6/15/2020	Review and respond to correspondence from R.Tauler regarding discovery issues.	2.25
6/16/2020	Review and analyze Defendant's motion for judgment on the pleadings; review and respond to correspondence from R.Tauler regarding discovery disputes.	4.25
6/17/2020	Draft response to Defendant's motion for judgment on the pleadings; review and respond to correspondence and meet & confer letters from R.Tauler regarding remote depositions and confidentiality order.	5.25

6/18/2020	Draft response to Defendant's motion for judgment on the pleadings; review and respond to correspondence from R.Tauler regarding discovery issues and disputes.	3.00
6/19/2020	Draft response to Defendant's motion for judgment on the pleadings; review Defendant's additional interrogatories and RFPs.	3.25
6/22/2020	Draft response to Defendant's motion for judgment on the pleadings.	1.75
6/23/2020	Draft response to Defendant's motion for judgment on the pleadings.	1.50
6/24/2020	Draft response to Defendant's motion for judgment on the pleadings; review and respond to correspondence from R.Tauler regarding discovery responses and disputes.	2.75
6/25/2020	Draft response to Defendant's motion for judgment on the pleadings; review and respond correspondence from R.Tauler regarding discovery disputes and meet & confer letters.	4.75
6/26/2020	Review and analyze Defendant's motion for protective order; review and respond to correspondence from R.Tauler regarding meet & confer status and discovery disputes.	3.00
6/29/2020	Draft response to Defendant's motion for protective order and motion on the pleadings.	1.25
6/30/2020	Draft response to Defendant's motion for protective order and motion on the pleadings; review and respond to correspondence from R.Tauler regarding additional discovery disputes.	2.25
7/1/2020	Draft response to Defendant's motion for protective order and motion on the pleadings; review and respond to correspondence from R.Tauler regarding AEO designations and additional discovery disputes.	2.25
7/2/2020	Review and analyze Defendant's motion to resolve disputed confidentiality designations; draft response to Defendant's motion for judgment on the pleadings and motion for protective order.	2.50
7/3/2020	Draft responses to Defendant's motions for judgment on the pleadings, motion for protective order, and motion to resolve confidential designations.	2.75
7/6/2020	Finalize and file response to Defendant's motion for protective order; draft responses to Defendant's motion for entry of judgment and motion to resolve confidentiality.	3.25
7/7/2020	Draft responses to Defendant's motion for entry of judgment; finalize and file response to Defendant's motion to resolve confidentiality.	2.50
7/8/2020	Draft responses to Defendant's motion for entry of judgment.	2.25
7/9/2020	Review and analyze to Defendant's motion to compel; draft responses to Defendant's motions for entry of judgment; review and respond to correspondence from R.Tauler regarding schedule extension and discovery disputes.	2.50
7/10/2020	Draft responses to Defendant's motion to compel and judgment on the pleadings; review and respond to correspondence from R.Tauler regarding discovery issues.	2.00
7/13/2020	Review and analyze Defendant's reply to motion for protective order	1.25
7/14/2020	Finalize and file response to Defendant's motion for judgment on the pleadings; review and analyze Defendant's reply to motion to resolve.	2.25

7/15/2020	Review and respond to correspondence from R.Tauler regarding discovery issues.	0.75
7/16/2020	Review and respond to correspondence from R.Tauler.	0.50
7/17/2020	Review Defendant's responses to discovery requests.	2.75
7/20/2020	Finalize and file opposed motion to extend scheduling order deadlines.	1.25
7/21/2020	Review and analyze Defendant's reply to motion for judgment on the pleadings.	1.25
7/22/2020	Review and analyze Defendant's response to motion to extend scheduling order deadlines; draft response to Defendant's motion to compel and draft reply to motion to extend schedule.	2.50
7/23/2020	Finalize and file reply to Defendant's opposition to motion to extend; draft response to Defendant's motion to compel.	1.50
7/24/2020	Finalize and file response to Defendant's motion to compel; review discovery responses from Defendant.	1.25
7/27/2020	Update trial plan and needed discovery.	2.25
7/28/2020	Update trial plan and needed discovery.	2.25
7/29/2020	Review and analyze Defendant's reply to motion to compel.	0.75
7/30/2020	Review and analyze Court's Order granting MWK's motion to strike jury demand; review Defendant's updated discovery responses.	2.75
8/3/2020	Review Court's Order granting MWK's motion to extend schedule.	0.25
8/4/2020	Review and respond to correspondence regarding Defendant's refusal to share AEO material with MWK counsel.	0.75
8/7/2020	Review and analyze additional discovery requests from Defendant.	2.25
8/12/2020	Review and respond to correspondence and meet & confer requests from R.Tauler.	1.00
8/14/2020	Review and respond to correspondence from R.Tauler regarding additional discovery disputes.	0.75
8/19/2020	Review and respond to correspondence from R.Tauler.	0.25
8/20/2020	Review additional third party discovery requests from Defendant.	1.00
8/21/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes.	1.00
8/24/2020	Review Defendant's 5th RFPs to MWK and notices of deposition.	0.75
8/26/2020	Review and respond to correspondence from R.Tauler regarding additional discovery disputes.	2.25
8/27/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes and meet & confer letters.	2.50
8/28/2020	Review additional third party discovery requests from Defendant.	0.50
8/31/2020	Review and respond to correspondence from R.Tauler regarding depositions and other discovery disputes.	1.75
9/1/2020	Review and analyze Defendant's motion to compel.	1.75
9/2/2020	Finalize and file opposed motion for extension of time to respond to Defendant's motion to compel; review and analyze Defendant's response to motion for extension of time; draft response to Defendant's motion to compel; review and respond to correspondence from R.Tauler.	5.75

9/3/2020	Review and analyze Defendant's request for judicial notice for its motion for protective order; draft response to Defendant's motion to compel; review and finalize discovery responses; review and respond to correspondence from R.Tauler.	4.25
9/4/2020	Finalize and file reply to motion for extension of time; draft response to Defendant's motion to compel; review and respond to correspondence from R.Tauler.	5.25
9/6/2020	Review and respond to correspondence from R.Tauler.	0.25
9/7/2020	Review and respond to correspondence from R.Tauler regarding privilege log.	0.25
9/8/2020	Finalize and file response to Defendant's motion to compel; review and respond to correspondence from R.Tauler regarding meet & confer regarding discovery disputes; draft response to Defendant's objections to discovery.	6.00
9/9/2020	Review and respond to correspondence from R.Tauler regarding discovery issues.	1.25
9/10/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes and meet & confer letters.	2.75
9/11/2020	Review and analyze Defendant's reply to its motion to compel; review and respond to correspondence from R.Tauler.	1.25
9/16/2020	Review and respond to correspondence from R.Tauler regarding scheduling of depositions and discovery disputes.	2.25
9/17/2020	Review Court's Order granting Plaintiff's motion for extension of time; review and respond to correspondence from R.Tauler.	0.75
9/23/2020	Review and respond to correspondence from R.Tauler regarding depositions and other discovery disputes.	0.75
9/24/2020	Review and respond to correspondence from R.Tauler regarding meet & confer regarding deposition scheduling and discovery disputes.	2.25
9/25/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes.	1.75
9/28/2020	Review and respond to correspondence from R.Tauler regarding depositions and other discovery disputes.	1.00
9/29/2020	Review and respond to correspondence from R.Tauler.	0.25
9/30/2020	Review Defendant's 4th set of Rogs.	0.75
10/1/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes and meet & confer letters.	1.00
10/2/2020	Review and respond to correspondence from R.Tauler regarding an additional meet & confer regarding a motion to compel.	1.00
10/6/2020	Review and analyze Defendant's notice for requested judicial notice regarding its motion for judgment on the pleadings; review and respond to correspondence from R.Tauler.	1.25
10/8/2020	Review and analyze Defendant's motion to compel.	1.00
10/9/2020	Review and analyze Defendant's motion to compel; draft response to Defendant's motion to compel; review and analyze Defendant's additional discovery requests.	1.75

10/12/2020	Draft responses to Defendant's motions to compel; review and respond to correspondence from R.Tauler.	3.25
10/13/2020	Draft responses to Defendant's motions to compel.	2.50
10/14/2020	Draft responses to Defendant's motions to compel.	2.50
10/15/2020	Finalize and file response to Defendant's motion to compel; review and respond to correspondence from R.Tauler regarding discovery disputes.	3.25
10/16/2020	Finalize and file response to Defendant's motion to compel; review and respond to correspondence from R.Tauler regarding discovery disputes.	4.25
10/19/2020	Review and analyze additional discovery requests from Defendant; review past discovery requests and responses; develop additional discovery requests per trial plan.	2.75
10/20/2020	Develop discovery requests to obtain third party information for trial proof.	2.00
10/21/2020	Develop discovery requests to obtain third party information for trial proof.	2.00
10/22/2020	Review and analyze Defendant's reply to its motion to compel; review and analyze Defendant's errata regarding its motion to compel.	0.50
10/23/2020	Review and analyze Defendant's reply to its motion to compel.	0.50
10/26/2020	Review additional discovery requests for trial evidence.	0.75
10/27/2020	Review and respond to Defendant's motion for sanctions.	1.50
10/28/2020	Draft response to Defendant's motion for sanctions.	2.25
10/29/2020	Draft response to Defendant's motion for sanctions.	2.00
10/30/2020	Draft response to Defendant's motion for sanctions; review discovery responses and objections from Defendant.	3.50
11/2/2020	Draft response to Defendant's motion for sanctions.	1.25
11/3/2020	Finalize and file response to Defendant's motion for sanctions.	2.25
11/5/2020	Review and response to correspondence from R.Tauler regarding desposition scheduling.	1.75
11/6/2020	Review and response to correspondence from R.Tauler regarding desposition scheduling.	1.50
11/9/2020	Review and response to correspondence from R.Tauler regarding third party discovery; review third-party discovery; draft motion for protective order.	2.25
11/10/2020	Review and analyze Defendant's reply to its motion for sanctions; draft protective order.	2.75
11/11/2020	Draft motion for protective order.	1.75
11/12/2020	Finalize and file motion for protective order and motion to quash; review Defendant's re-issued third party discovery; review and respond to correspondence from R.Tauler regarding improper third-party discovery.	3.25
11/16/2020	Review and analyze Defendant's objections to MWK's motion for protective order and motion to quash; finalize and file certificate of counsel.	1.75
11/19/2020	Review and analyze Defendant's response to MWK's motion for protective order and motion to quash.	1.00
11/20/2020	Draft reply to motion for protective order and motion to quash.	1.25

11/23/2020	Draft reply to motion for protective order and motion to quash.	1.25
11/24/2020	Draft reply to motion for protective order and motion to quash; review Defendant's responses to discovery; review and respond to correspondence from R.Tauler regarding discovery requests.	3.50
11/25/2020	Draft reply to motion for protective order and motion to quash; review and respond to correspondence from R.Tauler regarding deposition scheduling disputes, protective orders, and discovery disputes.	4.75
11/27/2020	Draft reply to motion for protective order and motion to quash.	2.25
11/28/2020	Finalize and file respy to motion for protective order and motion to quash.	0.75
11/29/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes.	1.75
12/1/2020	Review and respond to correspondence from R.Tauler regarding discovery disputes regarding deposition scheduling and claims for sanctions.	1.00
12/7/2020	Finalize and file motion to expedite motion for protective order; review and analyze Defendant's motion for sanctions; review and analyze Defendant's supplement to its motion for sanctions; review and analyze Defendant's errata to its motion for sanctions.	2.75
12/8/2020	Review and analyze the Court's Orders on motions for judgment on the pleadings.	1.00
12/14/2020	Review and analyze Defendant's response to MWK's motion to expedite; finalize and file response to Defendant's motion for sanctions.	2.00
12/15/2020	Prepare for and attend status conference with the Court.	1.00
12/18/2020	Review and analyze Court's order denying Defendant's various motions for sanctions, to compel, and for protective order.	1.50
12/21/2020	Review and analyze Defendant's second amended answer.	1.00
12/31/2020	Review and analyze Defendant's objections on Judge Austin's Order.	0.50
1/1/2021	Finalize and file response to Defendant's objections to Judge Austin's Order.	2.25
1/4/2021	Review draft responses to discovery requests.	0.50
1/5/2021	Review Court's order regarding Defendant's objections; file agreed motion for protective order; file notice of compliance with Judge Austin's Order; review Defendant's filings regarding various orders.	3.50
1/6/2021	Review and analyze Jower's "brief" to the Court; Review Order issued by the Court; review and respond to correspondence from R.Tauler; finalize and file declaration of R.Sommers.	4.50
1/7/2021	Review Court's Order regarding protective order.	0.25
1/8/2021	Review and respond to correspondence from R.Tauler; draft motion for summary judgment; draft additional discovery requests.	5.50
1/9/2021	Review and respond to correspondence from R.Tauler.	1.75
1/11/2021	Review Order issued by the Court; revise initial disclosures; review responses to discovery; develop additional discovery requests; Review and respond to correspondence from R.Tauler; develop final sets of discovery requests; draft motion for summary judgment.	7.75

1/12/2021	Finalize and file answer to Defendant's counterclaim; finalize revised initial disclosures; Review and respond to correspondence from R.Tauler; finalize final discovery requests; draft motion for summary judgment.	8.50
1/13/2021	Finalize and file motion for summary judgment.	8.50
1/14/2021	Review and respond to correspondence from R.Tauler.	0.25
1/15/2021	Review Order issued by Judge Austin; Review and respond to correspondence from R.Tauler.	1.00
1/16/2021	Review and respond to correspondence from R.Tauler.	1.00
1/18/2021	Finalize and file opposition to Defendant's motion to disqualify R.Kinney; review new discovery requests from Defendant; review discovery responses from DoWQs.	2.50
1/19/2021	Review new discovery requests from Defendant.	1.50
1/20/2021	Review and respond to correspondence from R.Tauler.	2.25
1/21/2021	Review ECF notices and Orders by the Court; review and analyze Defendant's reply to disqualify R.Kinney; Review and respond to correspondence from R.Tauler.	3.25
1/22/2021	Review discovery responses from DoWQs; prepare for depositions; review key exhibits for trial.	3.50
1/23/2021	Prepare R.Kinney for deposition.	4.00
1/24/2021	Prepare R.Kinney for deposition.	3.50
1/25/2021	Prepare for and attend deposition of MWK.	9.50
1/26/2021	Review and respond to correspondence from R.Tauler; review accounting for two loan agreements; review responses to discovery requests.	3.50
1/27/2021	Review and analyze Defendant's response to motion for summary judgment; draft reply to motion for summary judgment; prepare for depositions; review received discovery responses; Review and respond to correspondence from R.Tauler.	4.50
1/28/2021	Review and respond to correspondence from R.Tauler.	2.50
1/29/2021	Review and respond to correspondence from R.Tauler; review transcript of deposition of R.Kinney; review discovery obtained from DoWQs.	4.75
1/31/2021	Review and revise draft reply to motion for summary judgment.	2.50
2/1/2021	Draft reply to motion for summary judgment.	2.75
2/2/2021	Draft reply to motion for summary judgment; Review and respond to correspondence from R.Tauler.	3.25
2/3/2021	Finalize and file reply to motion for summary judgment; Review and respond to correspondence from R.Tauler.	4.00
2/4/2021	Review and respond to correspondence from R.Tauler; review discovery obtained from DoWQs.	2.25
2/5/2021	Review and respond to correspondence from R.Tauler; review discovery obtained from DoWQs.	2.00
2/8/2021	Prepare R.Kinney for deposition.	2.00
2/9/2021	Prepare R.Kinney for deposition.	1.50
2/10/2021	Prepare R.Kinney for deposition.	1.50
2/11/2021	Review Defendant's responses to recent interrogatories and RFPs.	1.25

2/15/2021	Review and respond to correspondence from R.Tauler; review and analyze Defendant's responses to discovery requests.	3.25
2/16/2021	Review and respond to correspondence from R.Tauler.	0.50
2/18/2021	Review Defendant's motion to continue discovery; review and respond to correspondence from R.Tauler.	4.00
2/19/2021	Review ECF filings; review and respond to correspondence from R.Tauler.	1.75
2/20/2021	Review and respond to correspondence from R.Tauler.	0.25
2/22/2021	Review and respond to correspondence from R.Tauler.	0.25
2/23/2021	Prepare witness for deposition; review and respond to correspondence from R.Tauler.	2.25
2/24/2021	Prepare witness for deposition.	1.50
2/25/2021	Prepare for and attend deposition of MWK; review late discovery notices; review and respond to correspondence from R.Tauler.	13.25
2/26/2021	Review Defendant's motion to compel compliance; review and respond to correspondence from R.Tauler.	3.25
2/27/2021	Prepare response to motion to compel.	2.50
3/3/2021	Finalize and file response to Defendant's motion to compel.	2.50
3/8/2021	Review Court's Order denying Defendant's motion to compel.	0.50
3/9/2021	Review and respond to correspondence from R.Tauler.	1.75
3/10/2021	Review deposition transcript of R.Kinney.	2.50
3/11/2021	Review and respond to correspondence from R.Tauler.	2.25
3/12/2021	Meet & confer regarding discovery dispute; review and respond to communications with the Court.	0.75
3/18/2021	Organize exhibits for trial; update rough trial outline; review depositions on written questions; review local rules for preparation of pre-trial order.	5.50
3/20/2021	Review and analyze Defendant's motion for summary judgment.	1.50
3/22/2021	Review Defendant's objections to Order denying motion to compel; review and respond to correspondence from R.Tauler; draft response to motion for summary judgment; review and respond to correspondence with the Court.	6.00
3/23/2021	Finalize and file response to Defendant's misc objections; draft response to motion for summary judgment; review and respond to correspondence from R.Tauler.	4.50
3/24/2021	Prepare for and attend hearing before Judge Austin; review Order on motion for summary judgment; review and respond to correspondence from R.Tauler; comply with Judge Austin's Order.	4.25
3/25/2021	Review and analyze Defendant's (new) motion for summary judgment; draft response to motion for summary judgment.	2.50
3/26/2021	Review Defendant's filings.	0.50
3/29/2021	Draft response to Defendant's motion for summary judgment.	3.50
3/30/2021	Draft response to Defendant's motion for summary judgment.	2.50
3/31/2021	Draft response to Defendant's motion for summary judgment.	2.25
4/1/2021	Draft response to Defendant's motion for summary judgment.	2.50
4/2/2021	Draft response to Defendant's motion for summary judgment.	2.75

4/5/2021	Finalize and file response to motion for summary judgment.	2.75
4/9/2021	Review and analyze Defendant's reply to motion for summary judgment.	0.75
4/12/2021	Draft motion to strike defendant's attempt to plead the liquid damages clause is a penalty.	2.75
4/13/2021	Draft motion to strike.	1.75
4/14/2021	Finalize and file motion to strike Defendant's reply to the motion for summary judgment; review and respond to correspondence from R.Tauler.	1.75
4/20/2021	Review and analyze Defendant's objection to motion to strike.	1.50
4/21/2021	Draft initial response to Defendant's objections.	1.50
4/22/2021	Revise response to Defendant's objections.	2.00
4/23/2021	Prepare trial exhibits and deposition designations.	1.50
4/26/2021	Revise response to Defendant's objections.	3.00
4/27/2021	Finalize and file response to Defendant's objections to motion to strike Defendant's reply.	2.50
4/28/2021	Prepare trial exhibits and deposition designations.	1.50
4/29/2021	Prepare trial exhibits and deposition designations.	1.75
5/1/2021	Prepare trial exhibit and declarations.	1.50
5/12/2021	Review and revise draft proposed FF&CL	1.75
5/13/2021	Review and revise draft proposed FF&CL	1.50
5/14/2021	Review and revise draft proposed FF&CL	2.25
5/21/2021	Review and revise draft proposed FF&CL; prepare exhibits for trial.	1.25
5/24/2021	Review and revise draft proposed FF&CL; prepare exhibits for trial.	1.50
5/27/2021	Review and revise draft proposed FF&CL; prepare exhibits for trial; review orders from the Court.	1.75
5/28/2021	Review and respond to correspondence from R.Tauler.	0.25
8/2/2021	Review and respond to correspondence from R.Tauler.	0.50
8/3/2021	Review and respond to correspondence from R.Tauler.	2.75
8/4/2021	Review and respond to correspondence from R.Tauler.	0.75
8/5/2021	Review and respond to correspondence from R.Tauler.	0.25
8/6/2021	Review and respond to correspondence from R.Tauler.	1.00
8/8/2021	Review and respond to correspondence from R.Tauler.	0.50
8/9/2021	Review and respond to correspondence from R.Tauler.	3.50
8/18/2021	Prepare and file motion to continue trial; confer with opposing counsel; Review and respond to correspondence from R.Tauler.	2.75
8/23/2021	Review Defendant's opposition to motion to continue.	0.50
8/24/2021	Review and analyze Court's order on summary judgment motions and orders on other misc motions; review draft proposed FF&CL to sort through updated claims; review filings by Defendant	5.25
8/25/2021	Update trial plan based on Order on summary judgment.	2.50
8/26/2021	Update trial plan based on Order on summary judgment.	1.75
8/30/2021	Prepare and file notice and request regarding sealing of order on MSJ.; Review and respond to correspondence from R.Tauler.	4.25
8/31/2021	Review and analyze Defendant's motion to transfer venue; Review and respond to correspondence from R.Tauler.	3.25
9/1/2021	Confer with opposing counsel regarding continuance.	0.25

9/2/2021	Prepare oppositon to motion to transfer.	2.25
9/3/2021	Finalize and file oppositon to motion to transfer.	2.50
9/7/2021	Review order issued by the Court regarding trial setting; review local rules for timing of required disclosures, notices, and rules for exhibits; update trial plan and select trial exhibits.	5.50
9/14/2021	Review motion to disqualify Kinney as attorney of record.	0.50
9/21/2021	Review Defendant's motions for reconsideration and for certificate of appealability.	2.00
9/22/2021	Revise response in opposition to Defendant's motions.	3.50
9/23/2021	Finalize and file response in opposition to motion for reconsideration and for certificate of appealability.	2.25
9/24/2021	Review and respond to correspondence from R.Tauler.	2.50
10/5/2021	Review orders issued by the Court	0.25
10/13/2021	Review and respond to correspondence from R.Tauler.	1.25
10/14/2021	Review and respond to correspondence from R.Tauler.	2.25
10/15/2021	Review orders issued by the Court; Review and respond to correspondence from R.Tauler.	1.25
10/16/2021	Revise pre-trial notice and exhibits.	2.50
10/17/2021	Revise pre-trial notice and exhibits.	3.00
10/18/2021	Review orders issued by the Court; Review and respond to correspondence from R.Tauler; review Defendant's proposed stipulated facts.	2.75
10/19/2021	Revise pre-trial notice and exhibits.	2.50
10/20/2021	Finalize pre-trial notice and exhibits. Review and analyze pre-trial notice and exhibits filed by Defendant.	3.25
10/21/2021	Review Defendant's revised pre-trial notice and exhibits.	2.50
10/22/2021	Draft objections to Defendant's pre-trial notice and exhibits; Review and respond to correspondence from R.Tauler.	3.75
10/23/2021	Draft and revise objecitons to Defendant's pre-trial notice and exhibit; prepare trial outlines.	1.50
10/25/2021	Draft and revise objecitons to Defendant's pre-trial notice and exhibit; prepare trial outlines.	3.25
10/26/2021	Draft and revise objecitons to Defendant's pre-trial notice and exhibit; prepare trial outlines.	3.50
10/27/2021	Finalize and file objections to Defendant's pre-trial notice and exhibits.	2.25
10/29/2021	Review and respond to correspondence from R.Tauler.	0.75
11/1/2021	Prepare draft post-trial findings of fact; update trial outlines with trial exhibit numbers.	3.50
11/2/2021	Review order issued by the Court. Prepare for pre-trial hearing.	4.25
11/3/2021	Prepare for and attend pre-trial hearing; further develop trial outlines.	3.50
11/4/2021	Review and respond to correspondence from R.Tauler; review Defendant's proposed trial exhibits.	3.50
11/5/2021	Review filings by Defendant regarding in-person trial; review Defendant's exhibits and witness lists; Review and respond to correspondence from R.Tauler.	4.75

11/6/2021	Draft supplemental memo regarding objections to Defendant's pre-trial notice and exhibits.	2.50
11/7/2021	Finalize supplemental memorandum regarding objections to Defendant's pre-trial notice and exhibits.	2.50
11/8/2021	Research Defendants identified trial witnesses and prepare cross examination outlines.	2.50
11/9/2021	Research Defendants identified trial witnesses and prepare cross examination outlines.	2.25
11/10/2021	Review orders issued by the Court	0.25
11/11/2021	Research Defendants identified trial witnesses and prepare cross examination outlines.	2.75
11/12/2021	Research Defendants identified trial witnesses and prepare cross examination outlines.	2.50
11/15/2021	Research Defendants identified trial witnesses and prepare cross examination outlines; further develop trial outlines and prepare witnesses for trial.	3.50
11/16/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	2.50
11/17/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	2.25
11/18/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	2.50
11/19/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	2.50
11/22/2021	Review orders issued by the Court regarding motion for reconsideration. Further develop trial outlines and prepare for trial.	5.50
11/23/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	6.50
11/24/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	3.50
11/26/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses; Review and respond to correspondence from R.Tauler.	4.25
11/27/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	3.25
11/28/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	2.50
11/29/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	9.00
11/30/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses; Review and respond to correspondence from opposing counsel.	8.50
12/1/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses.	10.00

12/2/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses; review Defendant's motion to reconsider order excluding witnesses.	11.50
12/3/2021	Prepare for trial: develop cross examination outlines, identify key exhibits, develop demonstratives, and prepare witnesses; Review and respond to correspondence from R.Tauler.	10.50
12/4/2021	Prepare for trial; review and revise objections to Defendant's exhibits; prepare motion for judicial notice of exchange rates; Review and respond to correspondence from R.Tauler.	8.50
12/5/2021	Prepare for trial; review objections to demonstratives filed by Defendant; Review and respond to correspondence from R.Tauler.	9.50
12/6/2021	Prepare for and attend trial.	12.00
12/7/2021	Prepare for and attend trial.	10.00
12/8/2021	Prepare for and attend trial.	4.00
12/9/2021	Review transcript in preparation of FF&CL.	2.00
12/12/2021	Prepare draft outline for FF&CL; organize trial exhibits; review transcripts.	3.25
12/13/2021	Research legal issues related to choice of law in preparation of FF&CL.	2.00
12/16/2021	Research issues related to Defendant's defenses raised at the end of trial in preparation of FF&CL.	1.75
1/4/2022	Review and respond to correspondence from opposing counsel.	0.25
1/10/2022	Receive and review official transcripts in preparation of FF&CL.	2.50
1/11/2022	Draft FF&CL and include cites to official transcript and trial exhibits.	2.00
1/12/2022	Outline all issues to be address in FF&CL.	1.50
1/13/2022	Review and respond to correspondence from opposing counsel.	0.50
1/23/2022	Draft and revise proposed FF&CL.	3.50
1/25/2022	Draft and revise proposed FF&CL.	2.75
1/26/2022	Draft and revise proposed FF&CL.	1.50
1/27/2022	Draft and revise proposed FF&CL.	2.25
1/28/2022	Draft and revise proposed FF&CL.	2.00
1/30/2022	Draft and revise proposed FF&CL.	3.25
1/31/2022	Draft and revise proposed FF&CL.	4.00
2/1/2022	Prepare for and attend mediation conference.	10.00
2/2/2022	Draft and revise proposed FF&CL.	2.00
2/3/2022	Draft and revise proposed FF&CL.	4.25
2/4/2022	Draft and revise proposed FF&CL.	3.50
2/7/2022	Review and respond to correspondence from opposing counsel; draft and revise proposed FF&CL.	2.50
2/8/2022	Draft and revise proposed FF&CL.	3.75
2/9/2022	Draft and revise proposed FF&CL. Review and respond to correspondence from opposing counsel.	3.50
2/10/2022	Finalize proposed findings of facts and conclusings of law.	2.50
2/11/2022	Review and analyze Defendants FF&CL	1.75
4/27/2022	Review order granting motion for judicial notice.	0.25
9/15/2022	Review and analyze FF&CL. Begin drafting motion for fees and costs.	2.50
9/16/2022	Draft motion for fees and costs.	1.50

9/19/2022	Review and analyze final judgment. Draft motion for fees and costs.	1.75
9/20/2022	Draft motion for fees and costs.	1.50
9/21/2022	Research choice of law issues for pre-judgment interest; draft motion for fees and costs.	2.50
9/22/2022	Draft motion for fees and costs.	1.25
9/23/2022	Review and respond to correspondence from opposing counsel.	0.25
9/26/2022	Review and respond to correspondence from opposing counsel.	0.25
9/28/2022	Draft motion for fees and costs.	2.00
10/3/2022	Finalize motion for fees and costs.	0.50

Total Hours 1080.75

Rate \$750

Total \$ 810,562.50